

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-38 remain pending. Claims 1, 17, 18, 19, 21, 22, 28, and 33 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Allowable Subject Matter***

Applicants appreciate that claims 3-7, 13, 24, 34-37 are indicated to define allowable subject matter.

#### ***35 U.S.C. § 112, 2nd Paragraph Rejection***

Claims 1-38 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Initially, Applicants disagree with the Examiner's assertion that the term "tag" renders the claims indefinite. Applicants respectfully submit that the Examiner's focus during examination for compliance with the requirement of definiteness in § 112, 2nd paragraph is whether the claim meets the threshold requirements of clarity and precision. To do this, the Examiner needs only ensure that the claims define the invention with a reasonable degree of particularity and distinctness. *See MPEP § 2173.02.*

Applicants submit that within the context of the instant application it is clear that a "tag" refers to an object that is at the very least associated with transmitting and receiving radio signals. For example, the instant specification clearly recites that "[i]n this specification, a tag indicates an object having a radio signal transmitting/receiving device ..., a memory portion, and a communication portion incorporated therein...". *See specification, page 1, ¶ 2.*

The words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989). Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their "broadest reasonable interpretation". *In re Marosi*, 710 F.2d 802 (Fed. Cir. 1983) (quoting *In re Okuzawa*, 537 F.2d 545, 548 (CCPA 1976)). *See MPEP §*

2111.01. In this instance, Applicants assert that the plain meaning of the word “tag” is exceedingly broad due to its common usage in many different contexts, and in fact the plain meaning may be unascertainable unless the term is read within the context in which it appears. In other words, the broadest *reasonable* interpretation of “tag” requires an interpretation of the term in light of its context, in this case the specification, which clearly qualifies the term as at least associated with transmitting/receiving radio signals.

Clearly, the Examiner has indicated that he has considered the claims based on this context. *See Office Action, page 2, ¶ 2.*

Accordingly, Applicants submit that the claims are distinct regarding what is connoted by the term “tag” within the context of the invention and respectfully request that the §112, second paragraph rejection of claim 1-38 be withdrawn.

Regarding claim 20: The Examiner alleges that it is unclear from the claim language which portion has a memory region. Applicants respectfully disagree. The claim recites “wherein said detachable portion and the portion of the tag other than said detachable portion have respective memory regions”. In other words, the tag has (a) a detachable portion, and (b) a portion other than the detachable portion. The claim language clearly states that portions (a) and (b) “have respective memory regions”, meaning that both portions have their own memory regions. Accordingly, the claim language is definite, and Applicants respectfully request that the § 112, second paragraph rejection of claim 20 be withdrawn.

Regarding claim 13: Through this Reply, Applicants have addressed the Examiner’s indication of a lack of antecedent basis and therefore request that the §112, second paragraph rejection of claim 13 be withdrawn.

### ***Claim Rejections - 35 U.S.C. §§102 and 103***

Claims 1, 17-23, 25-30, 32, and 38 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated over U.S. Patent No. 7,477,151 to Forster et al. (“Forster”). Claims 2, 20, and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Forster. Claims 8-16 and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Forster in view of U.S. Pub. No. 2004/0263319 to Huomo (“Huomo”).

Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation/obviousness and traverse the rejections.

The Forster patent has a filing date of July 7, 2004, which fails to anticipate the effective foreign priority date of the instant application: April 25, 2003. Huomo's filing date of June 30, 2003 also falls after the April 25, 2003 priority date of the instant case. Therefore, neither Forster nor Huomo qualify as prior art and the examiner's rejections of the claims under §§ 102 and 103 in view of Forster and Huomo are defective.

Accordingly, Applicants respectfully request that the rejection of claims 1, 2, 8-21, 25-30-33, and 38 under 35 U.S.C. § 102(e) and § 103(a) be withdrawn.

#### ***New Claims***

New claims 39-43 have been added through this Amendment, and are considered to be in condition for allowance. No new matter has been entered.

#### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

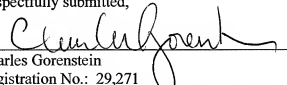
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 17, 2009

Respectfully submitted,

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